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APR 28 2005

CERA 233 (10108725)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Franke, et al.

Application No.: 09/937,722

Group Art Unit: 3731

Filed: March 28, 2002

Examiner: D. J. Davis

For: **MEDICAL INSTRUMENTS**

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, Va. 22313-1450

This correspondence is being sent by facsimile to 1-703-872-9306 addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, Va. 22313-1450 on the date  
shown below:

*Eileen Sheffield*  
Eileen Sheffield

Date: April 28, 2005

Dear Sir:

Responsive to the office action mailed March 31, 2005, applicants elect to prosecute the claims of Group I, claims 59-73 and 75-83, drawn to an apparatus.

Applicants also elect the following species:

Group A- YTZP ceramic;

Group B-a scalpel; and

Group C- no coating.

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Claims 59, 63, 64, 66, 67, 70, 71, 72, 73, 75, 76, 77, 78, 79 and 83 correspond to these species, with claims 59, 66 and 74 being generic.

Applicants respectfully request rejoinder of the method claims when apparatus claims are deemed allowable.

Applicants also respectfully request that the examiner search additional species upon the allowance of the elected claims.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-0624, under Order No. NY-CERA 233-US.

Dated: April 28, 2005

Respectfully submitted,

By

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